

United States District Court  
BANKRUPTCY COURT  
For the District of Puerto Rico

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17-0323  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

**HERIBERTO NIEVES DOMINGUEZ**  
(Plaintiff)

Case No.:

v.

For : Title III PROMESA Law

**COMMONWEALTH OF PR ET ALS**  
(Defendants)

**URGENT MOTION TO STAY RELIEF**

TO THE HONORABLE COURT:

COMES NOW the Plaintiff Mr. Heriberto Nieves-Dominguez, pro se, whom very respectfully EXPOSES, ALEGUES AND/OR REQUESTS as it follows:

1. In September 9, 2016 the Plaintiff/ Petitioner submitted a Motion to Establish a Legal Claim for Harm and Damages and Civil Rights Violation against the government of Puerto Rico, the Department of Correction and Rehabilitation and its functionaries.
2. In October 27, 2016 the United States District Court for the District of Puerto Rico received it and filed it under case no. 16-cv-2878 (DRD) assigned to Honorable Judge Daniel R. Dominguez.
3. In August 17, 2017 the Honorable Laura Taylor Swain, Judge in the United States District Court, dictated in case In Re: Commonwealth of Puerto Rico, Case No. 17-0323 a "Second Amended Notice, Case Management and Administrative Procedures ("Case Management Procedures") through which, along with other issues, amends Section III of actual Case Management Procedures to incorporate a revised protocol for the request of a Stay Relief Motion.
4. Such Protocol established that all or ant parts pretending to present a motion to stay relief of Title III shall comply with Paragraph III.Q and give notice of such request to the Board and AAFAF in a term of fifteen (15) laborable days prior to the presentation of this motion and meet and confer with the representatives of the State before presenting such remedy.

5. In compliance to that, the Petitioner submitted a Lift Stay Notice in January 16, 2018 and before the fifteen (15) working days, which is the time provided by law in the Case Management Procedures quoted, both parts have come to an agreement which by February 9, 2018 the legal representation of the commonwealth of Puerto Rico where they with the AAFAF legal representatives have determined that the best course of action is to consent to modification of Title III stay and allow the prepetition action captiones Heriberto Nieves Dominguezs v. Commonwealth of PR, et al., Case No. 16-2878 to proceed with this current lift stay motion.
6. According to the Case Management Procedures *"if (i) the Debtors disagree with the movant's request for relief from the automatic stay and or (ii) the Lift Stay Notice Period expires without the parties reaching an agreement governing the scope of the relief from the automatic stay, then the movant my file a Stay Relief Motion pursuant to the Case Management Procedures"*
7. As a result, a final hearing and determination under Bankruptcy Code Section 362(a) requesting the termination of the automatic stay under Bankruptcy Code Section 362€ the moving party requests and expedited hearing on its Stay Relief Motion as provided in Paragraph III.F and shall be granted without prejudice to the right of the parties to request it as a preliminary hearing in accordance with Bankruptcy Code Section 362 (c) requesting the relief from the automatic stay of the case 16-CV-2878 (DRD) in the United States District Court for the District of Puerto Rico.

THEREFORE the Petitioner is requesting a hearing for a Relief from the automatic stay in such case very respectfully requests this United States District Court of Bankruptcy to provide in accordance previous any other pronouncements that may proceed in right.

**Respectfully Submitted.**

In San Juan, Puerto Rico this 26<sup>th</sup> day of March, 2018.

  
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